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Forty-sixth session
Agenda item 27

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Ross HYNES (Canada)

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*/ E/CN.4/1990/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1990/L.11 and addenda.

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1990/55. Working Group on Situations

The Commission on Human Rights,

Recalling that, since 1974, the Commission has annually decided, with the approval of the Economic and Social Council, to set up a working group to assist it in the examination of the particular human rights situations referred to it under Council resolution 1503 (XLVIII) of 27 May 1970,

Observing that the contribution of the working group, referred to as the Working Group on Situations, has become a valuable feature in the implementation of the procedure governed by Council resolution 1503 (XLVIII),

Wishing to formalize the setting up of the Working Group on Situations on a regular basis,

Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Taking note of the wish of the Commission on Human Rights to establish a working group to assist it, on a regular basis, in the implementation of Council resolution 1503 (XLVIII) of 27 May 1970,

"Noting that, with the approval of the Council, such a working group has, in fact, been set up annually since 1974 on an ad hoc basis,

"Recognizing the valuable contribution of the working group, through the years, in the implementation of the procedure governed by Council resolution 1503 (XLVIII),

"1. Authorizes the Commission on Human Rights to establish a working group consisting of not more than five of its members, with due regard to geographical distribution, to meet for a period not exceeding five working days prior to the sessions of the Commission to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under the procedure governed by Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized under that procedure, and to make recommendations to the Commission on the course of action to take in respect of each particular situation;

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"2. Decides that the working group, to be referred to as the Working Group on Situations, shall be constituted as follows:

"(a) Before the end of each session, the Chairman of the Commission, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the members of each geographical area, shall nominate the members to serve in their personal capacity on the working group at its next session;

"(b) If necessary, the Chairman or the outgoing Chairman may at any time, in order to fill a vacancy, designate a member from among the names of all Commission members of the same geographical area;

"3. Decides also that the Working Group on Situations shall hold closed meetings and communicate its recommendations confidentially to the Commission on Human Rights, pursuant to paragraph 8 of Council resolution 1503 (XLVIII)."

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XII.]

1990/56. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that the Governments of all States Members of the United Nations are required to promote and protect human rights and fundamental freedoms,

Alarmed by the proliferation of acts of violence in Haiti, particularly against arrested or detained persons, and by the apparent inability of the Haitian judicial system to put an end to such acts,

Observing that the human rights situation in Haiti remains disturbing and even seems to have deteriorated since July 1989, particularly in rural areas,

Noting that the state of siege introduced on 20 January 1990 was lifted on 30 January and that a general amnesty for prisoners detained for attacks on the security of the State was announced on 7 February, but that many persons remain imprisoned or exiled and that, particularly because of the threats to their security, Haitians are not able to express their opinions freely and to participate under satisfactory conditions in the preparation of elections,

Taking account of the report of Mr. Philippe Texier, the expert appointed by the Secretary-General (E/CN.4/1990/44 and Add. 1),

1. Expresses its appreciation to the expert for his report and for the way in which he has discharged his mandate;

2. Welcomes the co-operation extended by the Haitian authorities to the expert during his visit to Haiti from 25 July to 3 August 1989;

3. Notes, however, that the Haitian authorities have not acted upon the assistance proposals which he submitted to them under the advisory services programme;

4. Expresses the hope that the Haitian authorities will ensure that elections are held as scheduled and in appropriate conditions of honesty and security, under the supervision of impartial observers;

5. Requests the Haitian authorities to proceed forthwith to take the necessary measures to enable exiled opponents to return and to ensure their security, so that they can participate in preparing the elections;

6. Invites the Haitian Government to bring back into force the full Constitution of 29 March 1987, which was adopted in a referendum by an overwhelming majority;

7. Also invites the Haitian Government to expedite the investigation into the principal massacres, particularly those of 29 November 1987 and 11 September 1988, and to bring those responsible to trial;

8. Further invites the Haitian Government to ratify the International Covenants and international conventions on human rights, in accordance with its undertaking of December 1988;

9. Requests the Chairman of the Commission on Human Rights to appoint an independent expert to examine developments in the human rights situation in Haiti and to help to devise measures capable of making the necessary improvements;

10. Calls upon the Haitian authorities to co-operate fully with the independent expert;

11. Requests the Secretary-General to provide the independent expert with all necessary assistance in performing his task;

12. Also requests the independent expert to report to it at its forty-seventh session on developments in the human rights situation in Haiti;

13. Decides to consider the report of the independent expert at its forty-seventh session under item 12 of its agenda, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/57. Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1989/70 of 8 March 1989,

Bearing in mind that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the plan of action proposed by the United Nations and accepted by the Government of Equatorial Guinea, which was based on recommendations submitted by Mr. Fernando Volio Jiménez, the Expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980,

Noting with satisfaction that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights,

Taking into account that the Government of Equatorial Guinea has an obligation to submit periodic reports to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee and that its initial reports are overdue,

Mindful of the fact that, for an appropriate and valid reform of the present political Constitution to be carried out, it is not only necessary to make technical changes but also essential to secure the active participation of all political tendencies, including the opposition parties in exile,

Also taking into account (a) that the Equatorial Guinea nationals in exile who wish to return to and be reintegrated in the country include many qualified persons who could fill the existing gap with maximum promptness, and (b) that the lack of trained personnel has been highlighted by the Expert, who has also recommended that the Government of Equatorial Guinea should grant a broad amnesty to all opponents of the régime who are in exile,

Considering that articles 20 and 21 of the Universal Declaration of Human Rights, article 8 of the International Covenant on Economic, Social and Cultural Rights and article 22 of the International Covenant on Civil and Political Rights stipulate that everyone has the right to freedom of peaceful assembly and association,

1. Commends the Expert for his report on the human rights situation in Equatorial Guinea (E/CN.4/1990/42);

2. Welcomes the news that the Government of Equatorial Guinea is to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination;

3. Urges the Government of Equatorial Guinea, in accordance with the Expert's recommendation, to establish a Special Review Commission to monitor the implementation of the Plan of Action as soon as possible, and to adopt other measures suggested for the purpose of promoting and protecting human rights;

4. Recommends that the Government of Equatorial Guinea avail itself of the advisory services in the field of human rights to prepare the initial reports on the human rights situation in the country in accordance with the recommendation of the Committee on Economic, Social and Cultural Rights (E/1989/22 - E/C.12/1989/5, para. 344 (b)) in order to fulfil its obligations as a party to the International Covenants on Human Rights;

5. Urges the Government of Equatorial Guinea to draw up a General Associations Act to facilitate the implementation of the human rights recognized in the International Covenants on Human Rights ratified by that Government;

6. Encourages the Government of Equatorial Guinea to endeavour to facilitate the repatriation of all refugees and exiles, inter alia by adopting measures permitting the full participation of all citizens in the country's political, economic, social and cultural affairs, thus helping to resolve the shortage of specialized personnel, as indicated in the Expert's report;

7. Requests the Secretary-General to provide such advisory services and other forms of appropriate assistance in the field of human rights as may be requested by the Government of Equatorial Guinea, especially for the purpose of codifying the basic civil and criminal laws and preparing the initial reports which Equatorial Guinea, as a party to the International Covenants on Human Rights, is required to submit to the committees established by those treaties;

8. Also requests the Secretary-General to extend the mandate of the Expert responsible for co-operating with the Government of Equatorial Guinea in the full implementation of the plan of action proposed by the United Nations and accepted by that Government;

9. Further requests the Expert to report to the Commission on Human Rights at its forty-seventh session.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XII.]

1990/58. Advisory services in the field of human rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, by which the Assembly established the United Nations programme of advisory services in the field of human rights,

Recalling also General Assembly resolution 41/154 of 4 December 1986, in which the Assembly requested the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations,

Recalling also General Assembly resolution 43/90 of 8 December 1988, in which the Assembly invited the Commission on Human Rights to consider a programme of action in the field of human rights, including activities to develop human rights institutions and infrastructures,

Recalling further its resolution 1985/26 of 11 March 1985, in which it encouraged the Secretary-General to continue and enhance his efforts under the programme of advisory services in the field of human rights to provide practical assistance to States in the implementation of international conventions on human rights, particularly the International Covenants on Human Rights, and its resolutions 1986/52 of 13 March 1986, 1987/37 and 1987/38 of 10 March 1987, 1988/53 and 1988/54 of 8 March 1988 and 1989/71 and 1989/72 of 8 March 1989,

Mindful of the provisions of General Assembly resolution 926 (X) that advisory services shall be rendered by the Secretary-General solely at the request of governments,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1990/43),

Noting with appreciation the Secretary-General's enhanced efforts to co-ordinate system-wide advisory services and technical assistance in the field of human rights and the foundation of a flexible inter-agency mechanism for human rights activities,

Noting with appreciation the organization on an international seminar on cultural dialogue between the countries of origin and the host countries of migrant workers, held in Athens from 18 to 26 September 1989, and of a national training course on international human rights standards, held in Moscow from 27 November to 1 December 1989,

Noting the importance of expert services, fellowships and scholarships, training courses and seminars under the programme of advisory services as forms of practical assistance to States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Supporting, therefore, the general thrust of the plan of activities contained in the report of the Secretary-General (E/CN.4/1990/43),

1. Welcomes the increasing number of requests from governments for support and technical assistance in the field of human rights;

2. Reaffirms that the programme of advisory services in the field of human rights should continue to provide practical assistance in the implementation of international conventions on human rights to those States which indicate a need for such assistance;

3. Requests the Secretary-General to provide urgently more human and financial resources for the enlargement of advisory services, particularly from section 24 of the regular budget concerning technical co-operation, in order to meet the increased demand on this important instrument intended to invigorate the human rights spirit in the world;

4. Also requests the Secretary-General to pursue his efforts for a medium-term plan for advisory services and technical assistance in the field of human rights, taking into account the comments and views expressed by Governments at the forty-sixth session of the Commission on Human Rights;

5. Recommends to the Secretary-General that the provision of expert assistance and activities to assist Governments in the development of the necessary infrastructures to meet international human rights standards should continue to increase;

6. Welcomes the setting-up of an advisory group in the Centre for Human Rights to assist the Under-Secretary General for Human Rights in the identification and evaluation of projects, and requests the Secretary-General to further restructure the secretariat in this area aiming at even more effective management of these activities;

7. Requests the Secretary-General to enable the Centre for Human Rights to intensify co-ordination within the United Nations system of the activities for the provision of advisory services and technical assistance in the field of human rights in all their aspects;

8. Notes with appreciation the co-operation between the Centre for Human Rights and the United Nations Development Programme and encourages the leadership of both organizations to further enhance co-ordination and co-operation between them;

9. Requests the Secretary-General to explore yet further the possibilities offered by co-operation between the Centre for Human Rights and specialized bodies of the United Nations system, such as the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees, as well as the International Committee of the Red Cross, in the development of strategies for the setting up or the strengthening of national and regional infrastructures for the promotion and protection of human rights and fundamental freedoms and the planning, execution and evaluation of specific projects;

10. Also requests the Secretary-General to ensure close co-ordination between the activities of the regular programme of advisory services and those of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;

11. Further requests the Secretary-General to bring the need for further technical assistance in the legal field that has been indicated by a number of States to the attention of the United Nations bodies and agencies that are active in providing assistance in the field of development with a view to promoting human rights in the development strategies and policies of the United Nations;

12. Invites competent United Nations bodies, such as the committees set up under the International Covenants on Human Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture, to make suggestions and proposals for the implementation of advisory services;

13. Requests its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances, to inform Governments, whenever appropriate, of the possibility of availing themselves of the services provided for under the programme of advisory services and to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

14. Also requests the Secretary-General to give special attention to such proposals of special rapporteurs and representatives;

15. Appeals to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs;

16. Encourages Governments in need of technical assistance in the field of human rights to avail themselves of the advisory servics of experts in the field of human rights, for example, for drafting basic legal texts in conformity with international conventions on human rights;

17. Expresses its appreciation to all Governments and intergovernmental and non-governmental organizations which have responded to the Secretary-General's call to provide assistance to States that indicated their need for technical assistance in the field of human rights, and requests the Secretary-General to pursue his efforts to co-ordinate and facilitate the flow of bilateral assistance in such cases;

18. Requests the Secretary-General to report to the Commission at its forty-seventh session on the progress made in the implementation of the programme of advisory services in the field of human rights.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/59. Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, by which the Assembly established the United Nations programme of advisory services in the field of human rights,

Recalling the establishment of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights by the Secretary-General on 16 November 1987 pursuant to its resolution 1987/38 of 10 March 1987 and Economic and Social Council decision 1987/47 of 29 May 1987,

Bearing in mind the appeal made by the Secretary-General on that occasion to Governments and intergovernmental and non-governmental organizations for contributions to the Fund,

Noting with satisfaction that several Governments and non-governmental organizations have responded favourably to this appeal,

Recalling its resolution 1989/71 of 8 March 1989,

Taking note with appreciation of the relevant sections of the annual report of the Secretary-General on advisory services in the field of human rights (E/CN.4/1990/43),

Mindful of the provisions of General Assembly resolution 926 (X) that advisory services shall be rendered by the Secretary-General solely at the request of Governments,

1. Expresses its appreciation to the Secretary-General for the projects realized since the establishment of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;

2. Also expresses its appreciation to those Governments and non-governmental organizations that have made financial contributions to the Voluntary Fund;

3. Calls upon all Governments, intergovernmental and non-governmental organizations and individuals to consider making voluntary contributions for the implementation of projects within the programme of the Voluntary Fund;

4. Emphasizes that the objective of the Voluntary Fund is to provide additional financial support for practical activities focused on the implementation of international conventions and other international instruments on human rights promulgated by the United Nations, its specialized agencies or regional organizations;

5. Recommends that activities under the Voluntary Fund should be directed towards expert and technical assistance to Governments with a view to creating and developing the necessary infrastructures to meet international human rights standards;

6. Encourages the Secretary-General to pay due attention to the particular needs of developing countries from all regions and to explore fully the possibilities offered by the co-operation of the relevant specialized agencies of the United Nations system with the Centre for Human Rights;

7. Recommends that the Secretary-General continue to consider for financing and implementation through the Voluntary Fund those projects and programmes which can play a catalytic role in the practical realization of internationally recognized human rights standards;

8. Requests the Secretary-General to bring regularly to the attention of all Governments and of the competent human rights organs the possibilities that exist under the Voluntary Fund of providing advisory services and technical assistance to Governments at their request;

9. Encourages Governments in need of technical assistance in the field of human rights to avail themselves of the advisory services and technical assistance in that field;

10. Also encourages Governments to seek contact and to co-operate with non-governmental human rights organizations in implementing programmes under the Voluntary Fund;

11. Requests the Secretary-General to continue to elaborate guidelines on the use and allocation of the resources available through the Voluntary Fund, with special emphasis on defining priorities and developing criteria for project appraisal and follow-up;

12. Also requests the Secretary-General to guarantee transparency of the criteria applied and of the rules of procedure to be followed in the implementation of advisory services;

13. Further Requests the Secretary-General to report annually to the Commission on Human Rights on the operation and administration of the Voluntary Fund as part of his annual report on advisory services in the field of human rights.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/60. Report of the visit to Namibia by the Ad Hoc Working Group on southern Africa

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Satisfied with the implementation of the United Nations proposal for a settlement of the Namibian situation, in accordance with Security Council resolution 435 (1978) of 29 September 1978,

Commending the people of Namibia for adopting a democratic constitution that fully accords with the principles enshrined in the Universal Declaration of Human Rights as well as other international instruments in the field of human rights,

Having taken note of the Report of the visit to Namibia by the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7/Add.1),

1. Expresses its gratitude to the Ad Hoc Working Group for the manner in which it has discharged its mandate on Namibia since 1967;

2. Decides to terminate the mandate of the Working Group on the questions relating to Namibia as provided for in Commission on Human Rights resolutions 1989/3, 1989/4 and 1989/5 of 25 February 1989;

3. Expresses its appreciation to the Secretary-General of the United Nations for his personal commitment to the independence of Namibia and to the United Nations Transition Assistance Group in Namibia for its efforts in the full implementation of Security Council resolution 435 (1978);

4. Requests the Secretary-General to provide such advisory services and other forms of technical assistance in the field of human rights as may be requested by the future Government of Namibia from the United Nations Fund for Advisory Services and Technical Assistance;

5. Also requests the Secretary-General to give due consideration to the implementation of this resolution.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/61. Assistance to Paraguay in the field of human rights

The Commission on Human Rights,

Taking note of resolution 1989/15 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments promoting and protecting human rights,

Reiterating that the Governments of all Member States are under the obligation to promote and protect human rights and fundamental freedoms,

Recalling that international co-operation in the field of human rights is one of the purposes of the Charter of the United Nations,

Noting with satisfaction the ratification by Paraguay of the American Convention on Human Rights and the readiness to ratify shortly the major international instruments on human rights,

Bearing in mind the positive developments in the overall situation in Paraguay and the endeavours of the Government and the people to consolidate democracy and guarantee the full observance of human rights and fundamental freedoms,

Noting with satisfaction that the Government of Paraguay has repealed repressive Laws Nos. 209 and 294, and has allowed all exiles to return, thus complying with the request made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights in earlier resolutions,

Noting with gratification the full observance of freedom of the press and the acknowledged progress achieved in the effective enjoyment of political rights,

Noting with interest the process of trade union reorganization initiated in Paraguay and the Government's announcement of a comprehensive agrarian reform in Paraguay,

Welcoming the request by the Government of Paraguay to receive as soon as possible technical assistance and advisory services in the field of human rights, something which highlights the will of the Government to continue to intensify the process of reforms to secure the effective and full enjoyment of human rights and fundamental freedoms,

Recalling General Assembly resolutions 41/154 of 4 December 1986 and 43/90 of 8 December 1988, as well as its resolutions 1985/26 of 11 March 1985 and 1989/72 of 8 March 1989 which highlight the duty of the United Nations to render effective assistance to countries which, living through a particular period in their history, stand in need of international co-operation to consolidate their democratic institutions and adapt their internal legislation to the demands of the proper rule of law,

Taking note of the importance of experts services, fellowships, training courses and seminars under the programme of advisory services, as forms of practical assistance to States to enable them to develop the infrastructure necessary to meet international standards in the field of human rights,

1. Welcomes the process of democratization in Paraguay, which is a crucial step towards the full and effective enjoyment of human rights and fundamental freedoms;

2. Notes with particular interest the ratification of the American Convention on Human Rights, the repeal of repressive Laws Nos. 209 and 294, as well as the full exercise of freedom of the press and the other reforms undertaken for the benefit of the Paraguayan population as a whole;

3. Encourages the Government of Paraguay to further the process of democratization and to continue the institutional and legal reforms to guarantee the effective enjoyment and full exercise of fundamental rights and freedoms;

4. Notes with satisfaction the request by the Government of Paraguay to receive technical assistance and advisory services in the field of human rights, as well as its full readiness to co-operate with the Commission on Human Rights;

5. Requests the Secretary-General to provide such advisory services and other appropriate forms of assistance in the field of human rights as are requested by the constitutional Government of Paraguay to foster democratic advances and the strengthening of the institutions responsible for ensuring respect for human rights;

6. Appeals to the international community to render all possible assistance to Paraguay so as to contribute to the realization of economic, social and cultural rights, as well as civil and political rights;

7. Decides to consider, at its forty-seventh session, the question of assistance to Paraguay in the field of human rights, under the agenda item, entitled "Advisory services in the field of human rights".

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/62. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Mindful that one of the purposes of the United Nations as embodied in the Charter is to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, giving special attention to the evolution of standards concerning the rights of indigenous populations,

Recalling also its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts, in carrying out its plan of action, to continue the elaboration of international standards in this field,

Having examined the report (E/CN.4/Sub.2/1989/36) of the Working Group on its seventh session, held from 31 July to 4 August 1989,

Conscious that, in various situations, indigenous populations are unable to enjoy their inalienable human rights and fundamental freedoms,

Bearing in mind that international standards must be developed on the basis of the diverse realities of indigenous populations in all parts of the world,

Determined to do everything possible to promote the enjoyment of the rights of indigenous populations,

1. Expresses its appreciation to the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its seventh session in the area of standard-setting, and for its continued broad approach and flexible methods of work;

2. Further expresses its appreciation for the active and constructive participation in the work of the Working Group of observers for Governments, specialized agencies, non-governmental organizations and, in particular, indigenous organizations and communities;

3. Welcomes the decision of the Sub-Commission to continue to entrust to the Chairman-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, the further development of a draft declaration on indigenous rights within the framework contained in her working paper, taking into consideration, inter alia, the comments on the draft declaration which will be provided by Governments, indigenous organizations and communities and other interested parties in accordance with the relevant resolution of the Sub-Commission;

4. Requests the Secretary-General to give the Chairman-Rapporteur of the Working Group the resources and assistance needed to carry out her task;

5. Recommends to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 serviced meetings in the 10 working days prior to the annual forty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for the purpose of intensifying its efforts to complete a draft declaration on indigenous rights in consultation with interested Governments and organizations of indigenous peoples;

6. Recalls that the Economic and Social Council, in its resolution 1988/37 of 27 May 1988, recommended that the General Assembly should, when appropriate, proclaim an international year of the world's indigenous populations;

7. Encourages Governments and indigenous organizations and communities, as well as other interested parties, to review and comment upon the draft declaration contained in annex II to the report of the Working Group on its seventh session (E/CN.4/Sub.2/1989/36), as invited by the Sub-Commission;

8. Urges the Working Group to intensify its efforts to continue and to complete as soon as possible the elaboration of international standards based on a continued and comprehensive review of developments pertaining to the

promotion and protection of the human rights of indigenous populations and of the situation and aspirations of indigenous populations throughout the world;

9. Requests the Secretary-General to give all necessary assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations and communities of indigenous populations, in order to encourage the widest possible participation in its work;

10. Also requests the Secretary-General to organize, in 1991, within the existing resources and framework of the United Nations regular programme of technical co-operation, a technical conference on practical experience in the realization of sustainable and environmentally sound self-development by indigenous peoples, with the participation of experts from Governments, appropriate specialized agencies and indigenous peoples organizations; this conference should be held along the same lines as the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States;

11. Expresses its gratitude and appreciation to the Governments and organizations which have already made contributions to the United Nations Voluntary Fund for Indigenous Populations;

12. Appeals to all Governments, organizations and individuals in a position to do so to consider favourably requests for initial as well as further contributions to the Fund;

13. Requests the Working Group on Indigenous Populations and the Sub-Commission to consider ways and means of broadening the scope and activities of the Voluntary Fund, in order to provide enhanced orientation for representatives of indigenous populations attending the annual sessions of the Working Group, and to transmit their recommendations to the Commission at its forty-seventh session.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/63. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling the provisions of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949,

Having noted the report of the Working Group on Contemporary Forms of Slavery submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session (E/CN.4/Sub.2/1989/39),

Having considered Sub-Commission resolutions 1987/31 and 1987/32 of 4 September 1987, 1988/31 of 1 September 1988 and 1989/41 of 1 September 1989,

Recalling its resolutions 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations, 1988/42 of 8 March 1988 and 1989/35 of 6 March 1989 on the report of the Sub-Commission's Working Group on Slavery,

Recalling Economic and Social Council resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others,

Recalling also Economic and Social Council resolution 1988/34 of 27 May 1988 and 1989/74 of 24 May 1989 on the Working Group on Contemptory Forms of Slavery,

Recalling further General Assembly resolutions 38/107 of 16 December 1983 and 40/103 of 13 December 1985 on the prevention of prostitution,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

1. Requests the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974, which contains the mandate of the Working Group;

2. Invites those eligible States which have not ratified the relevant conventions to consider doing so as soon as possible, or to explain in writing why they feel unable to do so, and invites them to consider providing information regarding their national legislation and practices in this field;

3. Also invites intergovernmental organizations, relevant agencies of the United Nations, including the International Labour Organisation, the World Health Organization, the World Bank, the International Monetary Fund, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Programme, the United Nations Children's Fund and the United Nations University, the International Criminal Police Organization and non-governmental organizations concerned to continue to supply relevant information to the Working Group;

4. Welcomes the study prepared by the Secretary-General (E/CN.4/Sub.2/1989/37) on ways and means for establishing an effective mechanism for the implementation of the Slavery Conventions and encourages the Sub-Commission, including its Working Group on Slavery, to continue its debate on this study and to elaborate recommendations on this issue at its next session in 1990;

5. Takes note with appreciation of the assignment by the Secretary-General of a part-time professional staff member to serve the Working Group and undertake other activities relating to contemporary forms of slavery under the post which has been included in the budget of the Centre for Human Rights for questions relating to slavery and slavery-like practices and requests the Secretary-General to assign this staff member on a full-time basis;

6. Recalls its request to the Secretary-General to designate the Centre for Human Rights as the focal point for the co-ordination of activities in the United Nations for the suppression of contemporary forms of slavery;

7. Calls upon all relevant non-governmental organizations in consultative status with the Economic and Social Council, including those interested in children's and women's rights, to attend the sessions of the Working Group on Contemporary Forms of Slavery;

8. Recalls its request to the Secretary-General to report to the Economic and Social Council on the steps taken by Member States, United Nations organizations and other intergovernmental organizations to implement the recommendations contained in Council resolution 1983/30 of

26 May 1983 and requests the Secretary-General to report on the comments received to the Council at its first regular session of 1990, and to make this report available to the Working Group on Contemporary Forms of Slavery of the Sub-Commission;

9. Invites all Member States to consider the possibility of taking appropriate action for the protection of children and migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve these objectives;

10. Requests Governments to pursue a policy of information, prevention and rehabilitation of women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/64. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Taking note of the report of the Sub-Commission of Prevention of Discrimination and Protection of Minorities on its forty-first session (E/CN.4/1990/2),

Expressing appreciation for the positive contribution made by the Sub-Commission to the work of the Commission in the promotion and protection of human rights,

Recalling the terms of reference of the Sub-Commission as defined by the Commission at its first and fifth sessions and its particular responsibilities established in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970 and the relevant resolutions of the General Assembly,

Recalling also its resolution 1989/36 of 6 March 1989 in which the Commission provided certain guidelines for the work of the Sub-Commission,

Expressing appreciation for the report of the Chairman of the Sub-Commission prepared in accordance with paragraph 15 of Commission resolution 1989/36,

Convinced of the need for a further strengthening of a substantial and meaningful dialogue between the Commission and the Sub-Commission,

Also convinced that it is essential that the impartiality and objectivity of the Sub-Commission and the independent status of its members and their alternates should continue to be its guiding principles,

Further convinced that the credibility and effectiveness of the Sub-Commission as an expert human rights body are dependent on Governments nominating and the Commission electing as members and alternates of the Sub-Commission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments,

Calling upon Governments to respect the independence of the members of the Sub-Commission,

Reaffirming that the systematic preparation of well-researched studies, reports and draft international instruments continue to be the most important elements of the expert work of the Sub-Commission and of its contribution to the work of the Commission,

Noting the growing number of resolutions and decisions adopted by the Sub-Commission every year,

Stressing the valuable role that the Sub-Commission, as a body of independent experts, can play, inter alia, in addressing new developments in the field of human rights and also in providing a forum for the contributions of non-governmental organizations in the field of new developments,

Mindful of the important contribution in general which non-governmental organizations in consultative status with the Economic and Social Council make to the work of the Sub-Commission, in conformity with the principles embodied in Economic and Social Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

Welcoming decision 1989/104 of the Sub-Commission to establish a sessional working group to prepare an overview and an analysis of the suggestions and proposals which have been made in order to enable the Sub-Commission to discharge better its responsibilities in dealing with the protection and promotion of human rights, and which would include, in particular, suggestions and proposals made by the Commission,

Convinced that it is highly appropriate for the Commission to give considered attention to the work of the Sub-Commission and thereby maintain the effectiveness of both bodies in their respective roles,

Reaffirming that it remains important for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow it, in order to ensure the complementarity of its activities with those of the Commission,

1. Reaffirms that the Sub-Commission can best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the Sub-Commission's report as well as in the expert studies carried out under its auspices;

2. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

3. Requests the Sub-Commission to give priority to those topics on which standards are being prepared, in accordance with decisions taken by the Commission and within the time frames set by the Commission;

4. Urges all the special rapporteurs of the Sub-Commission to submit their reports by the deadline given by the Secretariat so that these reports can be available in all languages well before the meeting;

5. Recommends that the Sub-Commission should, as a general rule, propose a new study only when a study previously authorized is fully completed;

6. Reminds the Sub-Commission that new studies or other reports involving financial implications can only be undertaken after authorization by its superior bodies;

7. Asks the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and other such bodies for their views and comments to requests relating to those studies which have received prior explicit approval from the Commission;

8. Invites the Sub-Commission to give due consideration to draft resolutions proposed for adoption and to seek the widest possible measure of agreement on them, bearing in mind that such draft resolutions should be proposed only on subjects that have been thoroughly discussed in the Sub-Commission or in its working groups and should be consistent with the role of the Sub-Commission as a body of independent experts;

9. Requests the Sub-Commission at its forty-second session to consider its practice of forwarding draft resolutions and decisions to the Commission for attention, action or consideration;

10. Urges the Sub-Commission, when examining items which are extensively discussed elsewhere in the United Nations system, to concentrate its attention on those specific human rights issues to which it can make a distinctive contribution;

11. Invites the Sub-Commission to request its working group established under its decision 1989/104 to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions or decisions on issues already being dealt with by the Commission;

12. Also invites the Sub-Commission to continue to give due regard to new developments in the field of human rights;

13. Recognizes that working groups constitute an invaluable element in the expert work of the Sub-Commission;

14. Notes the steps taken so far by the Sub-Commission to rationalize and streamline its work and encourages the Sub-Commission to continue this process;

15. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts who should discharge in that capacity their functions as members of the Sub-Commission;

16. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all languages in good time before the session;

17. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

18. Requests the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines which the Commission is providing in the present resolution.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/65. Discrimination against HIV-infected people or people with AIDS

The Commission on Human Rights,

Taking note of resolution 1989/17 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Endorses the appointment by the Sub-Commission of Mr. Luis Varela Quirós to undertake a study of problems and causes of discrimination against HIV-infected people or people with AIDS;

2. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/17 of 31 August 1989 and Commission on Human Rights resolution 1990/65 of 7 March 1990, authorizes a study of problems and causes of discrimination against HIV-infected people or people with AIDS to be undertaken by Mr. Varela Quirós."

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/66. Human rights in times of armed conflicts

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/24 of 31 August 1989,

Sharing the view expressed by the Sub-Commission that better respect for humanitarian law and the law of human rights is needed in times of armed conflict,

Recognizing the vital role of the International Committee of the Red Cross in the dissemination of international humanitarian law,

1. Notes that the States Parties to the four Geneva Conventions of 1949 and to the two Additional Protocols of 1977 have undertaken to disseminate those instruments as widely as possible and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population;

2. Calls upon all Governments to give particular attention to the education of all members of security and other armed forces, and of all law enforcement agencies, in the international law of human rights and of humanitarian law applicable in armed conflicts;

3. Recommends that this education also include transmission of knowledge of the relevant instruments in the field of human rights as well as the Code of Conduct for Law Enforcement Officials, the Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles on the Independence of the Judiciary, with a view to ensuring respect for the principles and rules contained in these provisions;

4. Calls upon the Secretary-General to transmit this resolution to all Governments requesting information on the scope of education provided to members of the police and the armed forces;

5. Calls upon the Secretary-General to submit to the Sub-Commission, at its forty-second session in 1990, an analytical review of the replies received;

6. Further calls upon the Sub-Commission to study the matter further at its forty-second session with a view to making proposals to the Commission for further action in this field.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/67. Programme of action for prevention of sale of children, child prostitution and child pornography

The Commission on Human Rights,

Having examined the report of the Working Group on Contemporary Forms of Slavery submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session (E/CN.4/Sub.2/1989/39),

Having noted with great concern the information about the world-wide occurrences of the sale of children, child prostitution and child pornography,

Noting also that most of the victims of sexual abuse are children from third world countries exploited by foreign tourists,

Gravely concerned with the damage this causes for the children affected,

Endorsing the view expressed by the Sub-Commission that a concerted programme of action should be adopted to counteract these abuses,

Having examined the various elements in the draft Programme of Action proposed by the Sub-Commission,

1. Decides to transmit to Governments, specialized agencies and other intergovernmental organizations as well as non-governmental organizations, the draft programme of action for their comments contained in the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1989/39);

2. Requests the Secretary-General to present to the next session of the Commission an analytical summary of the responses received;

3. Further decides to examine at its forty-seventh session the draft programme of action and the report by the Secretary-General.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/68. Sale of children

The Commission on Human Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of such rights and freedoms wherever they occur,

Recalling the provisions of the Declaration on the Rights of the Child proclaimed by the General Assembly on 20 November 1959 in its resolution 1386 (XIV) and, in particular:

Principle 2, whereby the child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity; and

Principle 9, whereby the child shall be protected against all forms of neglect, cruelty and exploitation and shall not be the subject of traffic, in any form,

Recalling the provisions of resolution 1989/36 of 6 March 1989, by which the Sub-Commission on Prevention of Discrimination and Protection of Minorities is invited to continue to give due regard to new developments in the field of human rights,

Recalling its resolutions 1982/20 of 10 March 1982, 1988/42 of 8 March 1988 and 1989/34 of 6 March 1989,

Having considered the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1989/39) submitted to the Sub-Commission,

Deeply concerned about the existence in many parts of the world of cases of serious violations of the rights of children, particularly cases of the sale of children, child prostitution and child pornography,

1. Decides to appoint for a period of one year a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes;

2. Requests the Chairman of the Commission, following consultations with the other members of the Bureau, to appoint as special rapporteur a person of international reputation;

3. Invites the special rapporteur to take account, in fulfilling his mandate, of the need to be in a position to use any credible and reliable information made available to him, to request the Governments concerned to state their views and comment on any information he intends to include in his report and to carry out his task with discretion and independence;

4. Requests the Secretary-General to urge all Governments to co-operate closely with the special rapporteur and to offer their co-operation and assistance so that he may fulfil his mandate effectively;

5. Also requests the Secretary-General to give the special rapporteur any necessary assistance;

6. Requests the special rapporteur to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, as well as his conclusions and recommendations;

7. Decides to consider the question at its forty-seventh session.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XIX.]

1990/69. Status of the individual and contemporary international law

The Commission on Human Rights,

Taking into account Sub-Commission resolution 1989/46 of 1 September 1989,

Having considered the study entitled "The Status of the Individual and Contemporary International Law" elaborated by Ms. Erica-Irene A. Daes (E/CN.4/Sub.2/1989/40),

Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Taking into account resolution 1989/46 of 1 September 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1990/69 of the Commission on Human Rights,

"1. Expresses its gratitude and deep appreciation to the Special Rapporteur, Ms. Daes, for her valuable and important study on the above-mentioned subject;

"2. Decides that the study entitled 'The Status of the Individual and Contemporary International Law' should be published and widely disseminated."

53rd meeting
7 March 1990

[Adopted without a vote. See Chap. XIX.]

1990/70. Streamlining the system of preparation of reports and studies by the Secretary-General

The Commission on Human Rights,

Aware of the necessity to streamline the system of preparation of reports and studies by the Secretary-General, which give important possibilities for the international community to analyse existing problems in the field of human rights, and allow for exchange of experience in the promotion and protection of human rights,

Recalling Economic and Social Council resolution 1986/33 of 23 May 1986,

Requests the Secretary-General to prepare and dispatch to Governments, after each session of human rights bodies of the United Nations, a list containing operative paragraphs of all resolutions and decisions which require preparation of reports and studies, together with a tentative schedule of their preparation, and to send corresponding notes verbales as soon as possible as reminders of this list.

53rd Meeting
7 March 1990

[Adopted without a vote. See Chap XI.]

1990/71. Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region

The Commission on Human Rights,

Recalling that the General Assembly, in its resolution 41/153 of 4 December 1986 and 43/140 of 8 December 1988, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian-Pacific region,

Recalling also its own resolution 1988/73 of 10 March 1988 and 1989/50 of 7 March 1989,

Noting the Economic and Social Commission for Asia and the Pacific resolution 45/2 of 5 April 1989,

Recognizing also the valuable contribution that could be made by national institutions in the field of human rights to the concept of regional arrangements,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Noting the value of the seminar on national, local and regional arrangements for the promotion and protection of human rights in the Asian region, held at Colombo in 1982 (A/37/422, annex), and the training course of human rights teaching held at Bangkok in 1987 under the United Nations programme of advisory services in the field of human rights (E/CN.4/1988/39/Add.1),

1. Takes note of the report of the Secretary-General (E/CN.4/1990/18 and Add.1);

2. Welcomes the designation of the Economic and Social Commission for Asia and the Pacific library as a depository centre for United Nations human rights materials within the Commission at Bangkok, the functions of which would include the collection, processing and dissemination of such materials in the Asian-Pacific region;

3. Requests the Secretary-General to ensure a continuing flow of human rights materials to the library of the Economic and Social Commission for Asia and the Pacific at Bangkok for appropriate dissemination in the region;

4. Encourages United Nations development agencies in the Asian-Pacific region to co-ordinate with the Economic and Social Commission for Asia and the Pacific their efforts to promote the human rights dimension in their activities;

5. Takes note that an Asian-Pacific regional workshop on various human rights issues including regional and national institutions and arrangements for the promotion and protection of human rights will be held in Manila in early 1990, within the framework of the advisory services and technical assistance programme, and the World Public Information Campaign for Human Rights;

6. Requests the Secretary-General to consult the countries of the Asian-Pacific region on the widest possible basis in the implementation of the present resolution;

7. Requests also the Secretary-General to submit a further report to the Commission at its forty-seventh session incorporating incorporating information on the progress achieved in the implementation of the present resolution;

8. Decides to continue its consideration of this question at its forty-seventh session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XI.]

1990/72. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling previous General Assembly resolutions on this subject, in particular resolution 43/128 of 8 December 1988 and 44/61 of 8 December 1989 as well as its own resolution 1989/53 of 7 March 1989,

Recognizing the catalytic effect of United Nations initiatives on national and regional public information activities in the field of human rights,

Recognizing also the valuable role that non-governmental organizations can play in these endeavours,

Believing that a world public information campaign on human rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights worldwide,

1. Takes note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1990/19), and supports the general thrust of the proposed programme of implementation of the World Public Information Campaign for Human Rights;

2. Reaffirms the need for information materials on human rights to be carefully designed in clear and accessible form, to be tailored to regional and national requirements and circumstances with specific target audiences in mind and to be effectively disseminated in national and local languages in sufficient volume to have the desired impact, and also for effective use to be made of the mass media, in particular radio and television and audio-visual technologies, in order to reach a wider audience, with priority being given to children, other young people and the disadvantaged, including those in isolated areas;

3. Appreciates the measures taken by the Secretariat to ensure the further production and effective dissemination of human rights information material in national and local languages, in co-operation with regional, national and local organizations as well as with Governments, making full and effective use of the United Nations information centres;

4. Also appreciates the efforts of the Secretariat to establish, within available resources, collection of basic United Nations information and reference material on human rights and fundamental freedoms at each United Nations information centre, and requests the Secretariat to provide the Commission, at its forty-seventh session, with a report on the situation in this respect in each information centre on the basis of replies given on a questionnaire prepared to this effect by the Secretariat;

5. Encourages all Member States to make special efforts to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, and to accord priority to the dissemination, in their respective national and local languages, of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments, and to information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

6. Urges all Member States to include in their educational curricula materials relevant to a comprehensive understanding of human rights issues, bearing in mind the availability of the teaching booklet published by the

Centre for Human Rights, and encourages all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes;

7. Notes the special value, under the advisory services and technical assistance programme, of regional and national training courses and workshops in promoting practical education and awareness in the field of human rights;

8. Requests the Secretary-General to ensure the fullest effective deployment of the skills and resources of all the United Nations Secretariat units concerned and to make available, within existing resources, adequate funding for developing practical and effective human rights information activities, including those within the programme of the World Public Information Campaign for Human Rights;

9. Takes note of the information provided by the Secretary-General on the budget available for information activities in the field of human rights and requests the Department of Public Information to make full use of the available resources in the field of human rights in order to expand and update its stock of audio-visual material on human rights, including the production of human rights documentation and films, and to increase the print-run of the information and reference material produced by the United Nations, in particular the Fact Sheet series, for worldwide distribution;

10. Requests the Centre for Human Rights to co-ordinate as necessary, taking fully into account General Assembly resolution 43/128 and in particular the primary role assigned to the Department of Public Information in its own field of competence, the relevant activities of the World Campaign within the United Nations system, and to maintain liaison with Governments, regional and national institutions and individuals concerned in the development and implementation of those activities;

11. Stresses the need for close co-operation between the Centre for Human Rights and the Department of Public Information, inter alia, in the implementation of the aims established for the World Campaign;

12. Asks the Secretariat to make arrangements for the translation of the Universal Declaration of Human Rights into additional non-official languages and to ensure the availability of the text in both official and non-official languages and in sufficient quantities at United Nations information centres worldwide;

13. Requests the Secretariat to take advantage as much as possible, in the implementation of the World Campaign, of the collaboration of non-governmental organizations, including in the dissemination of human rights material with a view to increasing universal awareness of human rights and fundamental freedoms;

14. Emphasizes the need for the United Nations to harmonize its public information activities in the field of human rights with organizations such as the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees in relation to the dissemination of information on international humanitarian law and, with regard to education for human rights, the United Nations Educational, Scientific and Cultural Organization, and appreciates the efforts made by the Secretary-General to this effect;

15. Requests the Secretary-General to submit to the Commission, at its forty-seventh session, a report on public information activities with special emphasis on the activities of the World Campaign, including details of the costs incurred in 1990 and the budget envisaged for future activities, as well as a further assessment of the impact of the World Campaign activities undertaken by the United Nations in the field of human rights;

16. Decides to continue its consideration of this question at its forty-seventh session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XI.]

1990/73. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling its relevant resolutions and those of the General Assembly concerning national institutions for the promotion and protection of human rights, notably General Assembly resolution 44/64 of 8 December 1989 and its own resolution 1989/52 of 7 March 1989,

Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the significant role that can be played by such institutions at the national level in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions,

Welcoming the holding in 1990 of a regional Asia-Pacific workshop under the auspices of the United Nations to consider, inter alia, the experience of different regions and countries in the establishment of regional or national institutions for the promotion and protection of human rights,

1. Takes note of the progress made in this area in the past few years and of the increased number of such national institutions in all parts of the world as well as of the efforts of the Centre for Human Rights to increase co-operation with regional and national institutions;

2. Requests the Centre for Human Rights to continue its efforts in order to enhance co-operation between the United Nations and regional and national institutions, particularly in the field of advisory services and technical assistance and of information and education, not least within the framework of the World Public Information Campaign for Human Rights;

3. Also requests the Secretary-General to convene a workshop, to be financed from the regular budget allocations of the advisory services and technical assistance programme, with the participation of national and regional institutions for the promotion and protection of human rights to review, inter alia, their co-operation with international institutions such as the United Nations and its bodies, with a view to increasing their effectiveness nationally and internationally;

4. Further requests the Secretary-General to publicize the proceedings of that meeting and to make use of their results in the finalization of the manual on national institutions under preparation by the Centre for Human Rights.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XI.]

1990/74. Convention on the Rights of the Child

The Commission on Human Rights,

Welcoming the adoption of the Convention on the Rights of the Child by the United Nations General Assembly on 20 November 1989,

Encouraged by the fact that an unprecedented number of States became signatories to that Convention at the signing ceremony on 16 January 1990, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Noting the World Summit for Children to be held in September 1990,

Considering that the Commission on Human Rights should afford special concern to questions concerning the human rights of children,

Believing that the Commission's attention to this question could lead to greater understanding of, and improved responses to, children's special needs and vulnerability, and could also contribute significantly in due course to the work of the future Committee on the Rights of the Child,

1. Calls upon all States to consider signing and ratifying or acceding to the Convention on the Right of the Child;

2. Also calls upon the Secretary-General to assume an active role in the diffusion of information on the Convention on the Rights of the Child and in its promotion, through the World Campaign for Human Rights and the Advisory Services Programme and in co-operation with the United Nations Children's Fund and other concerned United Nations bodies;

3. Requests the Secretary-General to prepare a report on the status of the Convention on the Rights of the Child for presentation to the Commission on Human Rights;

4. Decides to include on the agenda of the forty-seventh session of the Commission an item entitled "Status of the Convention on the Rights of the Child";

5. Also requests the Secretary-General to transmit to the Commission on Human Rights the report of the World Summit on Children as far as the promotion and implementation of the Convention on the Rights of the Child are concerned.

53rd meeting
7 March 1990

[Adopted without a vote. See chap. XI.]

B. Decisions

1990/106. Situation of human rights in China

At its 52nd meeting, on 6 March 1990, the Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by a roll-call vote of 17 to 15, with 11 abstentions, to take no decision on draft resolution E/CN.4/1990/L.47.

[See chap.XII.]

1990/107. Consideration, by the Sub-Commission, of the report on the practice of administrative detention

At its 53rd meeting, on 7 March 1990, the Commission, noting that the Sub-Commission on Prevention of Discrimination and Protection of Minorities had, due to lack of time, been unable to consider the report by Mr. Louis Joinet on the practice of administrative detention (E/CN.4/Sub.2/1989/27) pursuant to Commission resolution 1989/38 of 6 March 1989 and had therefore decided, in decision 1989/111, to examine it as a matter of high priority at its forty-second session, decided, without a vote, to invite once again the Sub-Commission to make any proposals it deemed necessary and to continue the consideration of this question at its forty-seventh session, under the agenda item entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session".

[See chap. XIX.]

1990/108. Right to a fair trial

At its 53rd meeting, on 7 March 1990, the Commission, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/27 of 1 September 1989, welcomed the Sub-Commission's decision to appoint Mr. Stanislav Chernichenko and Mr. William Treat to prepare a report on the right to a fair trial and requested the Sub-Commission to consider the report, at its forty-second session, directly under the agenda item 10 (d) entitled "Administration of justice and the human rights of detainees: the right to a fair trial",

[See chap. XIX.]

1990/109. Traditional practices affecting the health of women and children

At its 53rd meeting, on 7 March 1990, the Commission, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/16 of 31 August 1989, approved, without a vote, the Sub-Commission's recommendations:

(a) That the mandate of the Special Rapporteur be extended for two years so as to enable her to present a more complete report;

(b) That field missions be undertaken by Ms. Warzazi if possible to two countries, where harmful traditional practices are prevalent;

(c) That international regional seminars be held on the subject of harmful traditional practices in Africa and Asia;

(d) That all efforts be made by the Centre for Human Rights to provide necessary support, including a full-time professional assistant, to liaise with Governments, United Nations agencies and Economic and Social Commissions, non-governmental organizations and other concerned institutions, with special emphasis on data-gathering from the many organizations currently working to eliminate harmful traditional practices, but which are not mentioned in the current report;

(e) That the subject of traditional practices be on the agenda of the Sub-Commission for sustained follow-up.

The Commission also took note of the decision on traditional practices taken by the Committee on the Elimination of all forms of Discrimination against Women at its ninth session under Article 21 of the Convention on the Elimination of all forms of Discrimination against Women, and requests that the Special Rapporteur conduct her work in close consultation with the Committee.

[See chap. XIX.]

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(72)

UNITED NATIONS

E

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 27

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Ross HYNES (Canada)

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*/ E/CN.4/1990/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1990/L.11 and addenda.

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1990/75. Consequences of acts of violence committed by irregular armed groups and drug traffickers on the enjoyment of human rights

The Commission on Human Rights,

Reaffirming its responsibility for accurate and impartial analysis and for international monitoring of human rights,

Acknowledging the invaluable contribution made by non-governmental organizations to the constant monitoring of all matters relating to human rights and fundamental freedoms,

Deeply concerned at the increase in violence committed by irregular armed groups and drug traffickers in many countries,

Alarmed at the evidence of growing links between irregular armed groups and drug traffickers,

Observing that such acts adversely affect the well-being of peoples and cause serious damage to the infrastructure and economic production of countries,

Noting in particular that such acts prevent the unimpeded exercise of civil and political rights, such as participation in free elections, the right to peaceful assembly, freedom of association and trade union rights, as well as the exercise of economic, social and cultural rights,

Stressing that all international obligations relating to the protection and promotion of human rights and fundamental freedoms must be honoured at all times,

Aware that other aspects of this problem are being dealt with appropriately in other United Nations bodies, such as the Congress on the Prevention of Crime, the Commission for Social Development and the Commission on Narcotic Drugs,

1. Expresses its deep concern at the adverse effects on the enjoyment of human rights of the crimes and atrocities committed in many countries by irregular armed groups, regardless of their origin, and by drug traffickers;

2. Requests all Special Rapporteurs and Working Groups to pay particular attention to the activities of irregular armed groups and drug traffickers in their forthcoming reports to the Commission;

3. Also requests the Secretary-General to collect information on this question from all relevant sources and to make it available to the Special Rapporteurs and Working Groups concerned for their consideration;

4. Decides to consider this question as a matter of high priority at its forty-seventh session.

54th meeting
7 March 1990

[Adopted by a roll-call vote of 41 to none, with 2 abstentions. See chap. XI.]

1990/76. Co-operation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Affirming that representatives of the United Nations human rights bodies engaged in studying human rights situations or certain aspects of human rights violations must take an even-handed approach in the gathering of information with a view to arriving at a balanced implementation of their mandates,

Convinced that, to this end, unhampered access to private individuals or groups is vitally important, and that anybody wishing to impart pertinent information to the United Nations should not feel inhibited from doing so by fear of intimidation or reprisal,

Recalling that private individuals and groups should, likewise, feel free to avail themselves, without fear of intimidation or reprisal, of the various procedures established by the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or by various human rights instruments, for drawing attention to alleged violations of human rights,

Concerned about cases reported to United Nations organs of private individuals and groups who, before or after co-operating with representatives of United Nations human rights bodies or treaty bodies, have been subjected to harassment, ill-treatment and detention or imprisonment or other forms of hardship,

Also concerned about reports that relatives or those dear to such individuals have themselves been subjected to similar treatment,

Equally concerned about reports that relatives of disappeared persons, when seeking to clarify the fate or whereabouts of the victims through the appropriate channels, have frequently been subjected to reprisals as have the organizations to which they belong,

Affirming that the United Nations should take steps to prevent harm to those who turn to the Organization for help on human rights concerns,

Recalling its resolution 1988/34 of 8 March 1988 in which it urged governments to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subject,

1. Calls on all governments receiving representatives of United Nations human rights bodies to provide effective advance information to them, to allow unhampered contacts between private individuals and such representatives and to remove all legal and practical obstacles which would unduly prevent or discourage such contacts from taking place;

2. Condemns all acts of intimidation or reprisal, in whatever form, against private individuals and groups who seek to co-operate with the United Nations and representatives of its human rights bodies, or who have sought to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms;

3. Requests all representatives of United Nations human rights bodies reporting to the Commission or to the Sub-Commission on violations of human rights, in the exercise of their respective mandates:

(a) To take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisal;

(b) To devote special attention to this question in their respective reports to the Commission or the Sub-Commission;

4. Requests the Secretary-General to submit to the Commission at its forty-seventh session any available information, from all appropriate sources, on reprisals against witnesses or victims of human rights violations;

5. Decides to revert to this question at its forty-seventh session.

54th meeting
7 March 1990

[Adopted without a vote. See chap. XI.]

1990/77. Situation of human rights in El Salvador

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and by the humanitarian standards laid down in the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto of 1977,

Reaffirming that the Governments of all Member States have a duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have assumed under the relevant international instruments,

Noting with satisfaction that the Special Representative indicates in his report (E/CN.4/1990/26) that respect for human rights and dialogue for peace are fundamental components of the policy of the Government of El Salvador, although he points out that that policy has not yet yielded the desired results,

Recalling that, since 1980, the General Assembly has been expressing its deep concern at the situation of human rights in El Salvador, as stated in its resolution 44/165 of 15 December 1989,

Bearing in mind its resolution 32 (XXXVII) of 11 March 1981, in which it decided to appoint a Special Representative on the situation of human rights in El Salvador, and subsequent resolutions on this question, including resolution 1989/68 of 8 March 1989, whereby it extended the mandate of the Special Representative for another year,

Considering that the continuing armed conflict in El Salvador is of a non-international character and that the parties involved are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Additional Protocol II thereto of 1977,

Alarmed that, despite the encouraging signs that emerged from the meetings which were held at Mexico City and San José, Costa Rica, in September and October 1989, with the participation of the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, the worsening of the conflict and the resurgence of violence have seriously affected the enjoyment of human rights and fundamental freedoms of the Salvadorian people,

Deeply concerned that, as indicated by the Special Representative, and in the relevant paragraphs of the reports of the Special Rapporteur on Torture (E/CN.4/1990/17) and of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13), the number of serious and even mass violations of human rights committed for political motives is continuing to rise and that, in particular, there has been a recrudescence of torture, detentions and summary executions have increased, and disappearances, abductions, attacks on the economic infrastructure and breaches of the humanitarian standards applicable to warfare have continued,

Highly indignant at the mass murder of the Rector of the Central American University, five professors and two members of the domestic staff on 16 November 1989 by members of the armed forces,

Concerned that, in the context of the Salvadorian conflict, the Special Representative indicates in his report that numerous sources continue to ascribe responsibility for summary executions and other grave human rights violations to the so-called death squads,

Also concerned that, in the context of the Salvadorian conflict, the Special Representative draws attention in his report to the occurrence of indiscriminate actions in towns and cities, resulting in deaths and injuries to civilians, carried out by the Frente Farabundo Martí para la Liberación Nacional (FMLN), and to actions by violent commandos independent of the FMLN,

Regretting that there has been a disturbing increase in attacks and threats against various members of the ecclesiastical hierarchy, numerous leaders, members and headquarters of political, trade union and peasant organizations, relatives of members of the armed forces and civil servants and their relatives,

Observing that legal proceedings have been instituted in respect of some summary executions, including that of the members of the Central American University, but that there has been no progress in the case of the murder of Monsignor Romero in 1980 and that there is an urgent need to find and punish those responsible for many other recent human rights violations, such as the murders of the Minister of the Office of the President, the Government Attorney and high-ranking political leaders and the fatal mass attack against a trade union federation,

Convinced that fulfilment of the commitments assumed by the Government of El Salvador in the agreement on "Procedure for the establishment of a firm and lasting peace in Central America" (Esquipulas II) and in the joint declarations of the five Central American Presidents (Alajuela, Costa Rica; Costa del Sol, El Salvador; Tela, Honduras; and San Isidro de Coronado, Costa Rica) provide the necessary framework for the promotion, respect and realization of human rights and fundamental freedoms and will contribute decisively to encouraging the democratization and strengthening of the peace process in the region,

Noting with approval that, on the basis of Security Council resolution 637 (1989), the Secretary-General of the United Nations has begun to lend his good offices to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional with a view to the resumption and successful conclusion of the process of dialogue,

Aware that the process of pursuing a political solution to the Salvadorian conflict can be cut short if external forces do not support the achievement of fair and lasting agreements but instead seek in any way to intensify or prolong the armed conflict, with ensuing grave effects on the situation of human rights and economic recovery in El Salvador,

1. Commends the Special Representative for his report on the situation of human rights in El Salvador (E/CN.4/1990/26);

2. Expresses its serious concern at the increase in the number of grave, politically motivated violations of human rights, such as summary executions, torture and abductions, and at the persistence of enforced disappearances;

3. Also expresses its deepest concern at the worsening of the armed conflict, particularly in November 1989, which led to a fresh outbreak of violence, bombings and the indiscriminate use of heavy weapons in densely populated areas, causing numerous civilian casualties and substantial damage;

4. Also expresses its serious concern at the systematic attacks on the economic infrastructure, which severely impair the present and future enjoyment of important economic, social and cultural rights by the Salvadorian people;

5. Condemns the murder of the Rector and seven other members of the Central American University, acknowledges that the Government of El Salvador has brought several persons suspected of perpetrating this abominable crime before the courts and hopes that it will continue to investigate this crime in order that all the culprits may be punished;

6. Regrets the fact that the so-called death squads in El Salvador are continuing to commit serious human rights violations with impunity;

7. Expresses, furthermore, its deep concern that the indiscriminate actions by the Frente Farabundo Martí para la Liberación Nacional in towns and cities, as well as the actions by violent commandos independent of the FMLN, also represent serious and unpunished violations of human rights;

8. Also expresses its deep concern at the continued unsatisfactory capacity of the judicial system, despite the efforts of the Government of El Salvador to determine the responsibility of persons committing serious violations of human rights, and therefore urges the competent authorities to hasten the adoption of the reforms and measures necessary for ensuring its efficiency;

9. Calls upon the Government of El Salvador, the Frente Farabundo Martí para la Liberación Nacional and all the country's political powers, agencies and forces to take immediate measures, as recommended by the Special Representative, to put an end to attempts on human life, integrity and dignity, both in non-combat situations and in or as a result of combat;

10. Requests the parties to the conflict to guarantee respect for the humanitarian standards applicable to non-international armed conflicts such as that in El Salvador, especially to protect the civilian population, the war-wounded and persons deprived of their freedom for reasons connected with the conflict and to co-operate with humanitarian organizations engaged in alleviating the suffering of the civilian population wherever such organizations operate in the country; and in no circumstances to penalize medical and health personnel for carrying out their activities;

11. Offers its full support to the good offices mission of the Secretary-General of the United Nations with a view to achieving the resumption and successful conclusion of the dialogue between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, on the basis of Security Council resolution 637 (1989);

12. Strongly appeals to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to use the good offices of the Secretary-General to endeavour to achieve, as rapidly as possible, a negotiated political solution to the armed conflict that will encourage the existence and strengthening of a democratic, pluralist and participatory process involving

the promotion and respect of the human rights of the Salvadorian people, in particular the right freely to choose its own political, economic and social system without external interference of any kind;

13. Reiterates its appeal to all States to refrain from intervening in the internal situation in El Salvador and, instead of helping in any way to prolong and intensify the armed conflict, to encourage the conclusion of a just and lasting peace;

14. Repeats its request that the bodies and organizations of the United Nations system, on the basis of General Assembly resolution 44/165 and Commission on Human Rights resolution 1989/68, should provide such advice and assistance in the promotion and protection of human rights and fundamental freedoms as the Government of El Salvador may request from them;

15. Notes with satisfaction that, with the consent of the Government, there have been a number of mass returns of refugees who have decided of their own free will to resettle in rural areas of conflict, and urges the competent authorities to make every effort to ensure that such persons are assisted in respect of their most basic needs and to prevent acts of violence against them or their settlements;

16. Decides to consider at its forty-seventh session the situation of human rights in El Salvador and the mandate of the Special Representative, taking account of developments in the situation of human rights in that country;

17. Decides to extend the mandate of the Special Representative for another year and requests him to submit his report on further developments in the situation of human rights in El Salvador to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session.

54th meeting
7 March 1990

[Adopted without a vote. See chap. XII.]

1990/78. Situation of human rights in Chile

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations and bearing in mind the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of human rights, wherever they occur,

Noting the obligation of the Government of Chile to respect and protect human rights and fundamental freedoms in accordance with the international instruments to which Chile is a party,

Recalling that the concern of the international community at the serious situation of human rights and fundamental freedoms in Chile has been expressed by the General Assembly and by the Commission on Human Rights in many resolutions since 1974,

Regretting that, despite the improvement in the situation of human rights in Chile, the military Government has failed to act on a number of the recommendations contained in all the reports prepared on this topic and has also issued many laws consolidating an institutional legal framework harmful to respect for human rights and fundamental freedoms,

Bearing in mind that, in these circumstances, as pointed out by the Special Rapporteur, Mr. Fernando Volio Jiménez, much remains to be done if Chilean society is to enjoy a reliable system of judicial protection of fundamental freedoms and human rights, especially as a result of the heavy institutional burden which will be taken over by the Government-elect,

Also bearing in mind the will expressed by the people of Chile in the recent electoral process which has led to the restoration of civilian power in the political leadership of the country and sharing its trust in the commitment made by the future Chilean authorities to restore the full enjoyment of human rights and fundamental freedoms,

Aware that the continuous concern of the United Nations at the situation of human rights in Chile made for the establishment of the international conditions necessary for Chile's return to democracy,

1. Takes note with appreciation of the report by the Special Rapporteur (E/CN.4/1990/5) and thanks him for his valuable co-operation since 1985 in the international monitoring of the human rights situation of the Chilean people;

2. Also expresses its appreciation to the Ad Hoc Working Group, the Experts and the Special Rapporteurs, Mr. Abdoulay Diéye and Mr. Rajsoomer Lallah, who contributed to the work done by the international community, for 16 years, to restore human rights in Chile;

3. Notes with satisfaction the improvement in the situation of human rights in Chile, as described by the Special Rapporteur in his last report;

4. Deeply regrets that, despite the many recommendations by the international community to the military Government of Chile, the following are still pending:

(a) Judicial and administrative identification and punishment of the persons responsible for crimes, disappearances, torture, persecution, intimidation and other forms of cruel, inhuman and degrading treatment, as well as the situation of persons in custody on political grounds;

(b) A return to normal of the administration of justice, especially in regard to a reform of the system of military justice and a review of the decision by the military courts;

(c) A review of the rules whereby persons committing serious violations of human rights are granted impunity;

5. Takes note of the decision adopted by the Military Government Junta to disband the National Information Agency and expresses its trust that the Agency's archives will be kept at the disposal of the courts of justice and the authorities of the Government-elect;

6. Notes with satisfaction the commitment made by the Government-elect to carry out the efforts necessary to secure a full return to normal of the traditional democratic legal system which was affected, from 1973 onwards, as a result of an enforced system of institutions which made for more than 16 years of serious and systematic infringements of national and international standards on human rights;

7. Welcomes the commitment made by the Government-elect to bring Chile fully into the international human rights system established by the United Nations and thus to continue to follow up known unresolved cases and any others which emerge from inquiries conducted by the bodies in the system;

8. Convinced that the present Chilean democratic process and management by the Government-elect will make for the restoration of the rule of law based on full enjoyment of human rights and fundamental freedoms, decides not to renew the mandate of the Special Rapporteur, as from the time the Government-elect takes office;

9. Requests the Government-elect of Chile to report, at a special meeting at the forty-seventh session, on the follow-up to the recommendations adopted by the United Nations up to 11 March 1990 in connection with the restoration in Chile of the human rights and fundamental freedoms with which it has been able to deal.

54th meeting
7 March 1990

[Adopted without a vote. See chap. XII.]

1990/79. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Taking note of the appreciation expressed by the Special Representative for the co-operation of the Government of the Islamic Republic of Iran,

Taking note also that the report of the Special Representative (E/CN.4/1990/24) marks a major development in the fulfilment of the mandate of the Special Representative and has opened up further possibilities of communications on a high level,

Concerned that allegations about violations of human rights and fundamental freedoms are still being received,

Noting the findings of the Special Representative on the situation of the Bahai's in the Islamic Republic of Iran,

1. Takes note with appreciation of the report of the Special Representative (E/CN.4/1990/24), which was prepared after a visit to the country and the conclusions and recommendations contained therein;

2. Welcomes the decision of the Government of the Islamic Republic of Iran to invite the Special Representative of the Commission on Human Rights to visit that country and the co-operation provided by the Government of the Islamic Republic of Iran in the course of the visit, as well as its commitment to continue the co-operation;

3. Welcomes also the invitation of the Government of the Islamic Republic of Iran extended to the Representative for a further visit to the country;

4. Takes note of the Special Representative's view that the Commission on Human Rights should continue to monitor the human rights situation in the Islamic Republic of Iran in order to broaden his study, to go deeper into certain situations, and to listen to many persons who could not see the Special Representative due to the short duration of his stay in Iran;

5. Endorses the Special Representative's opinion that the Government of the Islamic Republic of Iran continue to provide the Special Representative with replies on all allegations of human rights violations that have been transmitted to it;

6. Notes that the Special Representative, as in earlier reports, condemns terrorism in all its forms, whatever the motive, pretext or aim, and that during his visit to the Islamic Republic of Iran, he received ample official and private information about the disastrous effects of this kind of activity;

7. Expresses its concern that testimony gathered by the Special Representative reiterated complaints about unlawful executions, torture, substitute prisoners, imprisonment beyond the period specified in the sentence, spontaneous decisions by low-ranking officials and the absence of council for defence as well as restrictions on the right to assemble and recognizes that testimony was also gathered representing the opposite and thus two different kinds of personal experience and view were received;

8. Recognizes that the Special Representative rules out allegations that political prisoners had been executed under false charges of drug trafficking, unless specific proof is submitted to him in this regard;

9. Welcomes the clemency measures taken by the Government of the Islamic Republic of Iran;

10. Notes the receptiveness of the Government of the Islamic Republic of Iran to some criticisms in earlier reports by the Special Representative and encourages the Government of the Islamic Republic of Iran to respond to the recommendations contained in the Special Representative's reports;

11. Welcomes the favourable reception by the Government of the Islamic Republic of Iran to the Special Representative's suggestions: that the International Committee of the Red Cross be permitted to make regular visits to prisons throughout the Islamic Republic of Iran in order to ascertain the conditions of imprisonment, and in particular to look into the situation of political prisoners; that there be a programme, or study, to identify clashes or inconsistencies between Islamic law and international law, particularly internationally recognized human rights; that consideration be given to requests transmitted by the Special Representative on purely humanitarian grounds; and that the possibility of technical assistance from the United Nations in the field of human rights be examined;

12. Encourages the Islamic Republic of Iran to comply with international instruments on human rights, including the International Covenant on Civil and Political Rights to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction enjoy the rights recognized in these instruments;

13. Decides to extend the mandate of the Special Representative, as contained in its resolution 1984/54 of 14 March 1984, for a further year;

14. Requests the Special Representative to present an interim report to the General Assembly at its forty-fifth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups, such as the Bahai's, and a final report to the Commission at its forty-seventh session;

15. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;

16. Decides to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran as a matter of priority at its forty-seventh session.

54th meeting
7 March 1990

[Adopted without a vote. See chap. XII.]

1990/80. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling its resolution 1989/74 of 8 March 1989 on assistance to Guatemala in the field of human rights,

Taking into account resolution 1989/6 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the report of the Expert, Mr. Héctor Gros Espiell (E/CN.4/1990/45 and Add.1),

Having also considered the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13) and the reports of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22 and Corr.1) and of the Special Rapporteur on torture (E/CN.4/1990/17),

Taking into account the fact that the constitutional Government of Guatemala has made considerable efforts to guarantee the full application of human rights and fundamental freedoms and promote the process of democratic consolidation, and is to hold general elections in October 1990,

Taking note of the fact that the Procurator for Human Rights, with the support of the Government of Guatemala, has decided to expand and strengthen his functions by, inter alia, establishing an investigation department and departmental offices throughout Guatemala and expanding his procuratorial functions before the courts,

Seriously concerned, however, that the Government has not been able to control the persistent climate of violence in Guatemala, which has worsened and in which serious violations of human rights are still occurring,

Deeply disturbed also by the activities of the "death squads" which are deemed responsible for disappearances and murders,

Deeply concerned also by the serious shortcomings as regards respect for economic, social and cultural rights,

Disturbed by the serious situation faced since time immemorial by the indigenous populations, who have been subjected to discrimination and exploitation, as well as to serious violations of their human rights and fundamental freedoms,

Taking note of the fact that the advisory services have helped to create an awareness of the importance of promoting and protecting human rights and fundamental freedoms,

Considering that it is necessary to continue to observe the situation through advisory services in the field of human rights, with a view to promoting full respect for human rights and fundamental freedoms and supporting the Government's efforts in that direction,

1. Expresses its gratitude to the Expert for the work done during his term of office and thanks him for his report and recommendations;

2. Expresses its appreciation also to the Government of Guatemala for its collaboration with the Commission on Human Rights in carrying out its advisory activities, as well as for the facilities and co-operation afforded to the Expert;

3. Recognizes that, while the Government of Guatemala has upheld its commitment to guaranteeing the protection of fundamental rights and freedoms, it has been unable to implement the decision with sufficient authority, so that the social violence and violations of human rights have continued;

4. Supports therefore the recommendations contained in the Expert's report (E/CN.4/1990/45) that the programme of assistance and advisory services in the field of human rights should be continued and strengthened;

5. Urgently appeals to the Government of Guatemala to continue to accord priority to its undertaking under the Esquipulas II Agreements and to promote and participate more actively in the national reconciliation dialogue, as one of the ways of consolidating the democratic process;

6. Deeply deplores the increase in murders, kidnappings and attacks on and threats against persons involved in political activities as jeopardizing the democratization process;

7. Expresses its profound concern at the resurgence of the criminal activities of the "death squads", as indicated in the report of the Special Rapporteur to examine questions relevant to torture (E/CN.4/1990/17);

8. Deplores, in particular, the recent murders of a member of the National Revolutionary Movement Party (MNR) of El Salvador, Secretary for Latin America of the Socialist International, and of a Guatemalan lawyer, on 12 January 1990 in Guatemala, and requests the Government of Guatemala to continue and strengthen the investigation already under way, with a view to identifying and punishing the culprits;

9. Requests the Government of Guatemala to intensify its efforts to ensure that all its authorities and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people;

10. Urges the Government of Guatemala to initiate or intensify, as the case may be, investigations aimed at identifying and bringing to justice those responsible for acts of torture, disappearances, murders and extra-legal executions;

11. Further urges the Government of Guatemala to promote any measures necessary to identify and punish members of "death squads";

12. Encourages the Government of Guatemala to strengthen policies and programmes relating to the situation of the indigenous populations, taking into account their proposals and aspirations, to enable them to enjoy fully their fundamental rights and freedoms;

13. Requests the Secretary-General to continue to provide the Government of Guatemala with such advisory services and other forms of assistance in the field of human rights as may be necessary to foster and strengthen the consolidation of the democratic process, and promote a human rights culture;

14. Requests the Secretary-General to appoint an independent expert as his representative to examine the human rights situation in Guatemala and continue assistance to the Government in the field of human rights who, within the framework of his mandate, shall prepare a report with appropriate recommendations for submission to the Commission at its forty-seventh session;

15. Decides to consider this matter at its forty-seventh session under an item of the agenda to be determined in the light of the above-mentioned report and of the situation of human rights and fundamental freedoms in Guatemala.

54th meeting
7 March 1990

[Adopted without a vote. See chap. XXII.]

1990/81. Human rights in the administration of justice

The Commission on Human Rights,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, as well as the relevant provisions of the International Covenant on Civil and Political Rights, in particular article 6, which explicitly states that no one shall be arbitrarily deprived of his life,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming the numerous international instruments concerning the administration of justice which have been adopted by the General Assembly, including the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Independence of the Judiciary, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Principles of Medical Ethics, relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Aware of the opportunity offered to States parties to the International Covenant on Civil and Political Rights, if they so wish, to become States parties to its Optional Protocols,

Mindful of the prohibition under article 6 of the International Covenant on Civil and Political Rights of the imposition of the death penalty for crimes committed by persons below 18 years of age,

Noting that the United Nations system continues to give special attention to the elaboration of standards in this field as mandated by the Economic and Social Council in its resolution 1986/10 of 21 May 1986,

Mindful also of Economic and Social Council resolution 1989/63 of 24 May 1989 on implementation of United Nations standards and norms in crime prevention and criminal justice,

Expressing the need for further intensified co-operation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs relating to human rights in the administration of justice,

Mindful further of the principles contained in General Assembly resolution 41/120 of 4 December 1986 on standard setting in the field of human rights,

Guided by General Assembly resolution 44/162 of 15 December 1989 on human rights in the administration of justice,

Recalling its resolution 1989/24 of 6 March 1989,

1. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. Reiterates once again its call upon all States to spare no effort in providing for effective legislative and other mechanisms and procedures as well as adequate resources to ensure more effective implementation of these standards, taking into account the General Assembly's recommendations, in resolution 43/153 of 8 December 1988, for the development of national strategies for this purpose;

3. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

4. Again calls upon its subsidiary bodies, including its special rapporteurs and working groups, to give special attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for possible concrete measures under advisory services programmes;

5. Stresses the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, in particular under United Nations programmes of advisory services and technical assistance;

6. Emphasizes the importance of appropriate education and public information programmes in the field of human rights which would be geared particularly to those responsible for the administration of justice, and requests the Secretary-General to provide for appropriate action within the framework of the World Public Information Campaign for Human Rights;

7. Takes note of the note by the Secretary-General on the feasibility of drafting model texts for national legislation or other measures for the effective implementation of standards relating to human rights in the administration of justice (E/CN.4/1990/12);

8. Invites the Secretary-General to establish a consolidated list of provisions in the various United Nations standards in this field relevant for the drafting of such model texts;

9. Also invites the Secretary-General to forward this list, together with the comments solicited in accordance with General Assembly resolution 44/162, to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session;

10. Requests the Secretary-General to inform the Commission at its forty-seventh session on the decisions taken by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders relevant to human rights in the field of the administration of justice;

11. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study, taking these comments into account, the implementation of United Nations norms and standards in this field and to recommend practical measures to the Commission;

12. Also invites the Sub-Commission to consider the elaboration of model texts for national legislation in this field and to report thereon to the Commission at its forty-seventh session;

13. Decides to consider the question of human rights in the administration of justice at its forty-seventh session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

54th meeting
7 March 1990

[Adopted without a vote. See chap. X.]

B. Decisions

1990/110. World conference on human rights

At its 54th meeting, on 7 March 1990, the Commission, recalling General Assembly resolution 44/156 of 15 December 1989, decided, without a vote, that it would be desirable to convene a world human rights conference for the purpose of dealing at the highest level with the crucial questions facing the United Nations in connection with the promotion and protection of human rights.

[See chap. XI.]

1990/111. Report of the Secretary-General on the human rights programme

At its 54th meeting, on 7 March 1990, the Commission decided, without a vote, to take note of the report of the Secretary-General on the in-depth evaluation of the human rights programme (E/AC.51/1989/2) and requested that

the Secretary-General bring the report to the attention of all relevant areas of the United Nations, in particular the Centre for Human Rights, to consider appropriate action in consultation with Member States, relevant intergovernmental organizations and the specialized agencies.

[See chap. XI.]

1990/112. International Year for the World's Indigenous Peoples

At its 54th meeting, on 7 March 1990, the Commission decided, without a vote, in light of the views expressed by various delegations in the course of its forty-sixth session, to recommend that the Economic and Social Council recommend that the General Assembly proclaim an International Year for the World's Indigenous Peoples, in 1993 or another appropriate year, in accordance with established procedures governing the proclamation of international years.

[See chap. XIX.]

1990/113. Visit to Iraq

At its 54th meeting, on 7 March 1990, the Commission decided, under rule 65, paragraph 2 of the rules of procedure of the functional commissions of the Economic and Social Council, by a roll-call vote of 18 to 14, with 9 abstentions, to take no decision on draft decision E/CN.4/1990/L.85/Rev.1.

[See chap. XIX.]

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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Ross HYNES (Canada)

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*/ E/CN.4/1990/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1990/L.11 and addenda.

GE.90-11821/5662A

1990/114. Working Group on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

At its 56th meeting, on 9 March 1990, the Commission, noting the report of the Working Group established under item 11 (E/CN.4/1990/91), requested, without a vote, the Working Group established at this session under item 11 to formulate recommendations pursuant to operative paragraph 3 of General Assembly resolution 44/16 of 15 December 1989 to continue its work as a sessional working group during the forty-seventh session with a view to presenting its recommendations to the Commission, and encouraged delegations to hold informal consultations among themselves on this matter.

[See chap. XI]

1989/115. Organization of the work of the forty-seventh session

At its 56th meeting, on 9 March 1990, the Commission, taking into account its heavy schedule of work and that of its sessional working groups as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Ecoomic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to forty-fifth sessions, decided, without a vote, (a) to recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 30 fully-serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's forty-seventh session, and (b) to request the Chairman of the Commission at its forty-seventh session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary.

[See chap. III.]

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

The Economic and Social Council,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1989/9 and Add.1);

2. Expresses also its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Welcomes with satisfaction resolution 1990/23 of 27 February 1990 of the Commission on Human Rights, in which the Commission invites the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as the Special Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report;

4. Calls upon all Governments:

(a) To co-operate with the Special Rapporteur in making the report even more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

5. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights to consider the revised report at their forty-second and forty-seventh sessions respectively;

6. Requests the Secretary-General, in accordance with General Assembly resolution 43/92 of 8 December 1988, to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance;

7. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid and to consolidating mutual co-operation in updating his report;

8. Requests the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the régime of South Africa, and to call upon them to provide the Special Rapporteur with any information or comments they may wish to present on the matter;

9. Invites the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication.

[See chap. II, sect. A, resolution 1990/23, and chap. VI.]

II. Right to freedom of opinion and expression

The Economic and Social Council,

Recalling Commission on Human Rights resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989 and 1989/56 of 7 March 1989,

Recalling also the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 1988/110 of 1 September 1989 and its resolution 1989/15 of 31 August 1989,

Taking into account the working paper on the right to freedom of opinion and expression prepared by Mr. Danilo Türk,

1. Endorses the decision of the Sub-Commission to entrust Mr. Louis Joinet and Mr. Danilo Türk, members of the Sub-Commission, with the preparation of a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion;

2. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteurs to carry out the said study;

3. Requests the Special Rapporteurs to submit a preliminary report on their study to the Sub-Commission for consideration at its forty-second session and to the Commission on Human Rights for comments at its forty-seventh session.

[See chap. II, sect. A, resolution 1990/32, and chap. X.]

III. Compensation for victims of gross violations of human rights

The Economic and Social Council,

Recalling resolutions 1988/11 of 1 September 1988 and 1989/13 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1990/35 of 2 March 1990 of the Commission on Human Rights,

1. Authorizes the Sub-Commission to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account, inter alia, relevant existing international human rights norms on compensation and judgements by courts, decisions and views of international human rights organs and bodies, with a view to exploring the possibility of developing basic principles and guidelines in this respect;

2. Requests the Secretary-General to provide Mr. van Boven with all the assistance which he may require for the completion of his task.

[See chap. II, sect. A, resolution 1990/35, and chap. X.]

IV. Question of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1990/38 of 6 March 1990,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the forty-seventh session of the Commission, with a view to continuing the examination, revision and simplification of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care, for submission to the Commission on Human Rights at its forty-seventh session;

2. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to the forty-seventh session of the Commission, and to prepare and transmit to the working group a working paper covering the articles that remain to be discussed and taking account of the comments and suggestions made by Governments, specialized agencies and non-governmental organizations.

[See chap. II, sect. A, resolution 1990/38, and chap. XIV.]

V. Guidelines on the use of computerized personal files

The Economic and Social Council,

Bearing in mind General Assembly resolution 44/132 of 15 December 1989,

Taking account of Commission on Human Rights resolution 1990/42 of 6 March 1990, entitled "Guidelines on the use of computerized personal files",

1. Expresses its appreciation to the Sub-Commission's Special Rapporteur, Mr. Louis Joinet, for the revised version of the guidelines for the regulation of computerized personal data files (E/CN.4/1990/72);

2. Decides to transmit the final report of the Special Rapporteur to the General Assembly for final adoption;

3. Requests the Secretary-General to bring the revised draft guidelines to the attention of all Governments;

4. Recommends that the General Assembly should consider, as a matter of priority, the adoption and publication of the guidelines for the use of computerized personal files.

[See chap. II, sect. A, resolution 1990/42, and chap. XIV.]

VI. Rights of persons belonging to national, ethnic religious and linguistic minorities

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1990/45 of 6 March 1990,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for no fewer than 10 fully-serviced meetings during the first two weeks of the forty-seventh session of the Commission to continue work on the draft declaration, by a second reading of the text, with a view to submitting it to the Commission at its forty-seventh session;

2. Requests the Secretary-General to provide the working group with all the assistance it may require for the continuation of its drafting work.

[See chap. II, sect. A, resolution 1990/45, and chap. XX.]

VII. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1990/47 of 6 March 1990,

1. Authorizes an open-ended working group to meet for a period of eight working days prior to the forty-seventh session of the Commission on Human Rights, with a view to continuing the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to and during the forty-seventh session of the Commission, and to transmit the report of the working group that met prior to and during the forty-sixth session, together with the annexes thereto, to all Member States in advance of the meeting of the working group to enable it to continue its work on the elaboration of the draft declaration.

[See chap. II, sect. A, resolution 1990/47, and chap. XXIV.]

VIII. Working Group on Situations

The Economic and Social Council,

Taking note of the wish of the Commission on Human Rights to establish a working group to assist it, on a regular basis, in the implementation of Council resolution 1503 (XLVIII) of 27 May 1970,

Noting that, with the approval of the Council, such a working group has, in fact, been set up annually since 1974 on an ad hoc basis,

Recognizing the valuable contribution of the working group, through the years, in the implementation of the procedure governed by Council resolution 1503 (XLVIII),

1. Authorizes the Commission on Human Rights to establish a working group consisting of not more than five of its members, with due regard to geographical distribution, to meet for a period not exceeding five working days

prior to the sessions of the Commission to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under the procedure governed by Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized under that procedure, and to make recommendations to the Commission on the course of action to take in respect of each particular situation;

2. Decides that the working group, to be referred to as the Working Group on Situations, shall be constituted as follows:

(a) Before the end of each session, the Chairman of the Commission, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the members of each geographical area, shall nominate the members to serve in their personal capacity on the working group at its next session;

(b) If necessary, the Chairman or the outgoing Chairman may at any time, in order to fill a vacancy, designate a member from among the names of all Commission members of the same geographical area;

3. Decides also that the Working Group on Situations shall hold closed meetings and communicate its recommendations confidentially to the Commission on Human Rights, pursuant to paragraph 8 of Council resolution 1503 (XLVIII).

[See chap. II, sect. A, resolution 1990/55, and chap. XII.]

IX. Status of the individual and contemporary international law

The Economic and Social Council,

Taking into account resolution 1989/46 of 1 September 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1990/69 of the Commission on Human Rights,

1. Expresses its gratitude and deep appreciation to the Special Rapporteur, Ms. Daes, for her valuable and important study on the above-mentioned subject;

2. Decides that the study entitled "The Status of the Individual and Contemporary International Law" should be published and widely disseminated.

[See chap. II, sect. A, resolution 1990/69, and chap. XIX.]